

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HOME BUILDERS FINANCE,)
)
Plaintiff,)
) CA 5-904
VS.)
)
RICHARD UNDERHILL, et al.,)
)
Defendants)

AMBROSE, Chief District Judge

ORDER OF COURT

AND NOW, this 7th day of November, 2005, the court has been advised by counsel for the parties that the above-captioned action has settled under the following terms:

1. The "Richard Underhill Defendants"¹ will pay to Plaintiff Home Builders Finance, the sum of \$200,000.00 in full by January 16, 2006;
2. If payment is not made in full by January 16, 2006, Plaintiff is permitted to enter judgment in the amount of \$275,000.00 against the Richard Underhill Defendants;
3. Plaintiff is to transfer title of Lot # 8 of the Birch Ridge Village to the Richard Underhill Defendants within five (5) days of payment in full;
4. The Richard Underhill Defendants agree not to sell any property prior to payment in full without first notifying and obtaining the consent of Plaintiff;
5. Plaintiff agrees to cooperate with respect to any and all liens it holds on property which the Richard Underhill Defendants wish to sell in order to satisfy the settlement amount;
6. Plaintiff agrees the satisfaction of the Richard Underhill Defendants' obligations set forth herein will satisfy any default

¹ This consists of all Defendants except for Anthony Jacob and William Somplatsky.

judgment entered against Defendant Anthony Jacob;

7. Plaintiff agrees to take steps to resolve any outstanding litigation against the Richard Underhill Defendants which is pending in the Courts of Common Pleas of Washington County, Pennsylvania;

8. Plaintiff agrees to dismiss, with prejudice, all claims asserted against Defendant William Somplatsky, and William Somplatsky agrees to dismiss, with prejudice, all counterclaims asserted against the co-Defendants;

9. The parties are to prepare and tender to the Court a settlement agreement and consent decree.

10. This case is to be administratively closed, but any party can petition to re-open the case for good cause shown on or before January 31, 2006.

It is, accordingly, ORDERED that the above-captioned action is hereby DISMISSED with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Dorothy F. Ambrose

CHIEF U.S. DISTRICT JUDGE